Calendar No. 523

97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-370

THE EDUCATIONAL MINING ACT OF 1982

APRIL 28 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1501]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1501), the Educational Mining Act of 1982, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 3, beginning on line 2 and continuing through line 3, strike and insert in lieu thereof: "quarter southwest quarter, southeast quarter southwest quarter southwest quarter,".
2. On page 4, beginning on line 9 and continuing through line 24, strike and insert in lieu thereof: "southeast quarter southwest quarter.".

PURPOSE OF THE MEASURE

The purpose of S. 1501, as reported, is to convey title to certain lands in Alaska to the University of Alaska to provide mining and geology students with an accessible mining facility from which to acquire in-the-field experience.

BACKGROUND AND NEED

The bill generally describes lands that have been held and mined as unpatented mining claims by Tury Anderson of Fairbanks, Alaska. Mr. Anderson donated the claims to the University of Alaska for use by the School of Mines in training geology and mining engineering students. The University subsequently had the claims surveyed by a mineral surveyor. The University considered applying for mineral patent, but it considered the Department of the Interior's procedures time consuming and uncertain. The University's principal concerns were the length of time required to process an application and the fact that although an applicant may honestly believe he has a valid claim, the ruling in a contest proceeding could be otherwise.

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Under S. 1501, the University of Alaska would acquire the major portion of a property known as the Silver Fox Mine plus some additional land. The claims have been worked for silver, primarily underground. The University wants the lands to provide mining students with an accessible mining facility from which to acquire in-the-field experience.

S. 1501 would direct the Secretary of the Interior to convey to the University of Alaska all right, title, and interest of the United States in approximately 76 acres of land. Conveyance may be made only when the Secretary is satisfied that no valid mining claims exist on the lands and upon the condition that the lands are to be used and held by the University and are not to be conveyed by it. In addition, no conveyance may be made unless an application is filed by the University within six months of the effective date of the bill. Finally, the Secretary is authorized to require a perimeter survey of the lands, the costs of which would be borne by the University.

LEGISLATIVE HISTORY

S. 1501 was introduced on July 17, 1981 by Senator Stevens and Senator Murkowski. A hearing was held on February 11, 1982, before the Public Lands and Reserved Water Subcommittee.

At a business session on April 21, 1982, S. 1501 was reported favorably with amendments.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 21, 1982, by a unanimous vote of a quorum present recommended that the Senate pass S. 1501, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS	NAYS
McClure	
Hatfield	
Domenici	
Wallop	
Warner	
Humphrey	
Murkowski	
Nickles	
East	
Heinz	
Jackson	
Johnston [1]	
Bumpers	
Ford	
Matsunaga [1]	
Melcher	
Tsongas [1]	
Bradley	

[1]Voted by proxy.

COMMITTEE AMENDMENTS

The first amendment corrects a land description in the bill as introduced.

The second amendment deletes one of the tracts from the bill as introduced. Section 16 was conveyed to the State of Alaska upon its admission to the Union in 1959. A patent was issued to the state in 1962. The Federal Government no longer owns the section and has no interest to convey to the University.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 22, 1982.

Hon. JAMES A. MCCLURE.
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1501, the Educational Mining Act of 1982, as ordered reported by the Senate Committee on Energy and Natural Resources, April 21, 1982.

This bill authorizes and directs the Secretary of the Interior to convey approximately 76 acres of land to the University of Alaska. The bill stipulates that if a perimeter survey is required, all costs of the survey will be borne by the university. No significant additional cost to the federal government is expected to be incurred as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1501.

S. 1501 is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 1501 conveys certain lands in Alaska to the University of Alaska.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1501.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth

Executive agency recommendations relating to S. 1501 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 10, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1501, the Educational Mining Act of 1982.

We would not object to enactment of S. 1501 if the concerns discussed below are addressed.

S. 1501 would direct the Secretary of the Interior to convey to the University of Alaska all right, title and interest of the United States in approximately 76 acres of land in Alaska. Conveyance could be made only when the Secretary is satisfied that no valid mining claims exist on the lands and upon the condition that the lands shall be used and held by the University and shall not be conveyed by it. In addition, no conveyance could be made unless an application is filed by the University within six months of the effective date of the bill. Finally, the Secretary could require a perimeter survey of the lands, the costs of which would be borne by the University.

The bill generally describes lands that had been held and mined as unpatented mining claims by Tury Anderson of Fairbanks, Alaska. Mr. Anderson donated the claims to the University for use by the School of Mines in training geology and mining engineering students. The University subsequently had the claims surveyed by a mineral surveyor. We understand that the University considered applying for mineral patent, but it considered the Department of the Interior's procedures time consuming and uncertain. The University's concerns were the length of time required to process an application and the fact that although an applicant may honestly believe he has a valid claim, the ruling in a contest proceeding could be otherwise.

Under S. 1501, the University of Alaska would acquire the major portion of a property known as the Silver Fox Mine, plus some additional land. The claims have been worked for silver, primarily underground. It is our understanding that the University wants the lands to provide mining students with an accessible mining facility from which to acquire in-the-field experience.

One of the tracts, section 16, was conveyed to the State of Alaska upon its admission to the Union on January 3, 1959. A confirmatory patent was issued to the State on June 4, 1962. The Federal Government no longer owns section 16 and thus has no interest in those lands to convey to the University. We therefore recommend that, on page 3, the comma in line 9 be replaced with a period and lines 10 through 24 be deleted from the bill.

Sections 8 and 9 are among lands selected under the Statehood Act by the State of Alaska in 1959, more than 3 years after the Silvertone lode claims were located. Having located the claims before the State selection, the claimant or its assignee has the right to a patent if the claims are valid. If the claims are not valid, the State has selection rights to the lands.

Section 2 of the bill would allow conveyance to be made only on the Secretary being satisfied that no valid mining claims exist on the land. This determination would involve contesting the mining claims in order to determine their validity. If the claims are valid, the claimant, now the University, would have the title it seeks even without enactment of S. 1501. If they are invalid, S. 1501 would provide that title still pass to the University, rather than to the States under its selection.

Whether legislation is enacted or not, the lands would be conveyed out of Federal ownership. We thus have no objection to conveying the lands under either alternative. However, we wish to point out that the land description in the bill differs from the lands that we understand it is intended to cover. This can be corrected by amending lines 2 and 3 on page 3 to read as follows:

2 quarter southwest quarter,
3 southeast quarter southwest quarter southwest quarter,

Finally, we believe it would be inappropriate for us to take a position on the manner in which S. 1501 resolves the question of State versus University interests in the land. We believe that this question is best addressed by the interested parties.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill, S. 1501, as ordered reported.

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Calendar No. 524

97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-371

WITHDRAWING CERTAIN LANDS IN MONO COUNTY, CALIF., LAND CONVEYANCE NEAR MILES CITY, MONT.

APRIL 28 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2475]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 2475) to modify a withdrawal of certain lands in Mono County, Calif., to facilitate an exchange for certain other lands in Mono County, Calif., and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the act as amended do pass.

The amendments are as follows:

1. On page 1, line 7, strike the word "laws:" and insert "laws, including the mining laws:".
2. On page 2, line 3, strike "SEC. 2." and insert "SEC. 102.".
3. On page 2, line 13, strike "SEC. 3" and insert "SEC. 103.".
4. On page 2, after line 20, insert a new title II to read as follows:

TITLE II

SEC. 201. That the Secretary of the Interior be, and he hereby is, authorized and directed to convey by patent to the city of Miles City, a municipal corporation organized and existed under the laws of the State of Montana, to wit: Lots 9, 17, and 21 (all presently encumbered by the Miles City public water system); lots 28, 31, and 32, all in section 32; lots 16 and 17 in section 33, township 8 north, range 47 east, Principal meridian, Montana, and tract Q and tract S, townships 7 and 8 north, range 47 east, Principal meridian, Montana.

SEC. 202. The Secretary of the Interior is authorized and directed to convey to the city of Miles City, Montana, such evidence as is necessary to remove the reversionary provi-

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sions for public lands previously patented or conveyed by act of Congress, to wit: Patent numbered 1021511, tracts A and B; patent numbered 1122295, tracts E and F; patent numbered 1173770, tract G; patent numbered 1173768, tract K; patent numbered 1173769, tract L; patent numbered 1178764, tract M; patent numbered 1219817, tract P, all located in townships 7 and 8 north, range 47 east; and tract D located in township 8 north, range 47 east Principal meridian Montana.

SEC. 203. The Secretary of the Interior is further authorized and directed to convey to county of Custer, State of Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented, to wit: Patent numbered 1023689, tract C; patent numbered 25–76–0099, tract T, located in townships 7 and 8 north, range 47 east, Principal meridian, Montana, and patent numbered 25–76–0100, lot 20, located in section 33, township 8 north, range 47 east, Principal meridian, Montana.

SEC. 204. The patents and documents issued pursuant to sections 201, 202, and 203 of this title shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands and the right to the use of the lands for extracting and removing same.

SEC. 205. No conveyance shall be made pursuant to this title until payment has been made for the fair market value of the interest being conveyed. Where initial conveyance of these lands was conditioned upon payment of a reasonable consideration on the basis of use, the Secretary is directed to determine the basis for the payment made at the time of the original conveyance. If such payment reflected fair market value without any reduction in that price because of the reverter, no additional payments shall be required.

PURPOSE

The Act as passed by the House would make possible a land-exchange between a private owner and the Bureau of Land Management (BLM). This exchange would assist a multi-agency State and Federal effort to establish a jointly managed ecological reserve in the "Fish Slough" area of the Owens Valley, California.

BACKGROUND AND NEED

The "Fish Slough" area of California is home to the two remaining populations of the Owens pupfish, and endangered species. The "Fish Slough Ecological Study Area" is administered jointly by the BLM and the city of Los Angeles, with the California Department of Fish and Game and the University of California, for the scientific study and protection of the pupfish. For several years, these agencies have been seeking to provide a secure habitat for the pupfish, and have identified acquisition of the one parcel of private land within the relevant drainage as a high priority. According to the State Fish and Game Department, the landowner on several occasions has contemplated agricultural or housing developments on the lands, which the State believes would result in major adverse impacts on the fish and their habitat.

The removal of the threat of environmental contamination posed by this private parcel of 202 acres appears to be the last major step required in securing a stable and safe habitat for the pupfish. The pending land exchange would involve a trade of 160 acres of public land, managed by BLM, outside the Fish Slough area for the 202 acres in questions owned privately by the Zack brothers of California. If this exchange is allowed, the desert pupfish may perhaps be reclasified from an endangered to a threatened species. However, the 160 acres of BLM-managed land to be exchanged were withdrawn by the Act of March 4, 1931 (46 Stat. 1530–1548) to protect the watershed of the city of Los Angeles. Section 204(j) of the Federal Land Policy and Management Act of 1976 provides that the 1931 withdrawal can be revoked only by Act of Congress. Thus, enactment of legislation is necessary for completion of the exchange.

The Bureau of Land Management is prepared to carry out the proposed exchange. It has completed the environmental assessment, appraisals, exchange agreement and other necessary reports.

LEGISLATIVE HISTORY

H.R. 2475 passed the House on December 15, 1981. A hearing before the Public Lands and Reserved Water Subcommittee was held on February 11, 1982.

At a business session on April 21, 1982, H.R. 2475 was reported favorably with amendments.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in open business session on April 21, 1982, by unanimous vote of a quorum present recommended that the Senate pass H.R. 2475 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, no nays as follows:

YEAS	NAYS
McClure	
Hatfield	
Domenici	
Wallop	
Warner	
Humphrey	
Murkowski	
Nickles	
East	
Heinz	
Jackson	
Bumpers	
Ford	
Matsunaga [1]	
Melcher	
Tsongas [1]	
Bradley	
Johnston [1]	

[1] Indicates vote by proxy.

COMMITTEE AMENDMENTS

The first amendment is a clarifying amendment. Once the exchange is effected, the land acquired in the exchange would be automatically withdrawn. The withdrawal would be from "settlement, sale, location, or entry, under all of the general land laws . . ." In order to clarify that the lands would be closed to mineral location, the Committee added the phrase "including the mining laws".

The second and third amendments are technical amendments to renumber the sections to allow for the addition of a new Title II.

The fourth amendment is the addition of the provisions of S. 187 as passed by the Senate. The amendment offered by Senator Melcher directs the Secretary of the Interior to convey various tracts of public land to Miles City, Montana. In addition the Secretary is directed to convey necessary evidence to remove the reversionary provisions for public lands previously patented to Miles City or Custer County, Montana. Senate Report 97–181, August 27, 1981, more thoroughly describes the provisions of the proposed conveyance.

COST AND BUDGETARY CONSIDERATION

H.R. 2475, as amended, authorizes no appropriations and should have no descernable impact on the Federal budget. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 22, 1982.

Hon. JAMES A. MCCLURE.
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 2475, a bill to modify a withdrawal of certain lands in Mono County, California, to facilitate an exchange of certain other lands in Mono County, California, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, April 21, 1982.

The first title of this bill will facilitate a land exchange of equal value between the Bureau of Land Management and a private owner. The land that is to be transferred out of federal ownership was originally withdrawn as an ecological reserve. This bill removes the existing withdrawal for the purpose of exchange and substitutes the private lands that will be received.

Title II of the bill directs the Secretary of the Interior to convey to the city of Miles City, Montana, eight lots of land and the evidence necessary to remove the reversionary provisions for public lands previously patented or conveyed by act of Congress. The Secretary is further directed to convey to Custer County, Montana, such evidence necessary to remove similar reversionary provisions for public lands previously patented. Conveyance is not to be made until payment of fair market value for the interest is received. Additionally, the United States reserves the right to use the land to extract all gas, oil, coal, and other mineral deposits.

According to information from the Bureau of Land Management, it is expected that enactment of this bill will result in no significant additional costs or revenues for the federal government.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2475.

The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. H.R. 2475, as amended, would make possible a land-exchange in Mono County, Calif., and convey certain lands to Miles City and Custer County, Montana.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of H.R. 2475.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth Executive Agency recommendations relating to H.R. 2475 and S. 187 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 25, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 2475, an act "To modify a withdrawal of certain lands in Mono County, California, to facilitate an exchange for certain other lands in Mono County, California, and for other purposes."

We strongly support enactment of H.R. 2475 with the technical clarification discussed below.

H.R. 2475 would withdraw certain described lands, totaling approximately 202.2 acres, in Mono County, California, from the operation of the general land laws. The bill would also revoke the withdrawal of certain other described lands in Mono County, which total approximately 160 acres, and comprise a portion of the lands originally withdrawn by Act of Congress on March 4, 1931 (46 Stat. 1530), in order to facilitate an exchange of such lands.

Enactment of H.R. 2475 would permit an exchange of lands to protect the Owens River Pupfish, a Federally listed endangered species. Private land, which contains habitat of the pupfish, has been offered

in exchange for public lands which are part of the 160 acres withdrawn under the Act of March 4, 1931. The 1931 withdrawal may be revoked only by Act of Congress according to section 204(j) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714(j)). If the act is passed, the described withdrawn land would be restored to the operation of the public land laws and exchanged for the land to be protected as habitat for the endangered species. Once the exchange is effected, the land acquired in the exchange would be automatically withdrawn under H.R. 2475 under the terms of and for the same purposes as the withdrawal created by the Act of March 4, 1931.

The proposed withdrawal site is approximately 10 miles due north of Bishop, in Mono County, California. The property is located in a wetland area adjacent to, and therefore part of, Fish Slough, a tributary to McNally Canal, which later feeds an aqueduct parallel to the Owens River. The drainage area upstream of the property is approximately 15 square miles, and is composed of numerous perennial streams immediately upstream of the wetland area.

It is our understanding that the Los Angeles Department of Water and Power supports the exchange that this act would permit, as do the California Department of Fish and Game, the University of California and the Owens Valley Interagency Committee.

The Bureau of Land Management is prepared to carry out the exchange, having completed the environmental assessment, appraisals, exchange agreement, and other reports. We therefore strongly support enactment of H.R. 2475. We would like to clarify two aspects of the act, however. First, we would like to point out that the lands described in the first section of the act are presently patented and in private ownership. The purpose of this section is to assure that when these lands are acquired by exchange, they will automatically be withdrawn under the act. Second, we note that the withdrawal under this section would be from "settlement, sale, location, or entry, under all of the general land laws . . . ." In order to clarify that the lands would also be closed to mineral location, we recommend that the phrase "including the mining laws" be inserted on page 1, line 7, after the words quoted above.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 30, 1981.

Hon. JAMES A. McC[illegible]RE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 187, a bill "To authorize the Secretary of the Interior to convey certain lands near Miles City, Montana, and to remove certain reservations from prior conveyances."

We would have no objection to enactment of the bill.

S. 187 would direct the Secretary of the Interior to convey to Miles City, Montana, certain tracts that are for the most part already in authorized use. The bill also would direct the Secretary to convey "such evidence as is necessary to remove the reversionary provisions for public lands previously patented" to Miles City or Custer County, Montana. The bill would require that conveyances of title and documents removing the reversionary provisions from patents contain a reservation to the United States of all minerals, together with a right to remove them. Conveyances would not be made under the bill until payment is made for the fair market value of the interest conveyed.

It has long been established Congressional and Departmental policy that in cases where the Federal Government has conveyed public land at less than fair market value, the document of conveyance shall contain a provision for reversion of title to the United States if the lands cease to be used for the purpose for which they were conveyed. This has been true whether the lands were conveyed in accordance with a general statute, such as the Recreation and Public Purposes Act (43 U.S.C. 869–869–4) or special, private legislation. It has also been long-established Congressional and Departmental policy that the reversionary provisions can be removed, so that the land can be used by the patentee for any purpose, only if no public need is found for the land, and if fair market value is paid for the interest being released by the United States. We have no Federal need for the lands to which S. 187 would apply and the bill contains a provision for payment of fair market value for the interests conveyed. In light of this, we have no objection to the conveyances that would be made under the bill.

S. 187 divides the numerous parcels it applies to into three groups: those to be conveyed to the city of Miles City, those already patented to Miles City with a reverter, and those already patented to Custer County with a reverter. In each of these categories there are significant differences in the manner of acquisition and nature of the patent. We believe it would be helpful to set out what these differences are.

The first section of S. 187 would authorize and direct the conveyance of certain parcels of land, without any reverter provision. These parcels fall into distinct groups as follows:

(1) By the Act of March 3, 1911 (36 Stat. 1027), Miles City was authorized to use Lots 9, 17, and 21, Sec. 32, containing a total of 50.28 acres, for a pumping station. The current plant facility was constructed in the late 1960's on Lot 21, at a cost of approximately $1,000,000. A former pumping station located on Lot 9 is now used as an Art and Heritage Center by the City. There is no Federal need for these tracts, nor does there appear to be a need for Lots 9 and 17 for pumping station purposes. A lease under the Recreation and Public Purposes Act covering all three tracts has been issued to the City. There is also an application for patent of these tracts under that authority.

(2) Lots 28, 31, and 32 and Tract Q, containing a total of 43.34 acres, are covered by road and railroad rights-of-way. The railroad right-of-way is the primary use of the tracts and the grazing of horses by Bureau of Land Management permittees on the remaining portion is the only other known use. The railroad grant includes station ground, livestock loading facilities and a rendering plant within the right-of-way limits. There are livestock corrals on Lot 32 that were built without

authority. Conveyance of the lands under S. 187 would be subject to the rights-of-way.

(3) Lots 16 and 17, Sec. 33, T. 8 N., R. 47 E., contain 3.95 acres which were omitted from a previous survey. Both lots adjoin Tract A, which is included in section 2 of the bill. That tract was patented to Miles City in 1928 under a special Act which limited use to municipal purposes as a public park and required a reverter provision. Lots 16 and 17 were classified as suitable for conveyance under the Recreation and Public Purposes Act. Lot 17 is partially encumbered by recreational improvements originally intended to be on Tract A.

(4) An additional parcel to which we understand S. 187 is intended to apply, Tract S, containing 122.74 acres, appears to have been inadvertently omitted from the first section of the bill. This tract has been developed by Miles City as the Spotted Eagle recreation site under a Recreation and Public Purposes lease issued October 5, 1966.

An application to patent the area to the City under the Recreation and Public Purposes Act, at less than fair market value, is currently pending before the local office of the Bureau of Land Management.

Section 2 of S. 187 would direct the Secretary to convey to Miles City such evidence as is necessary to remove the reversionary provisions in certain previous land conveyances. The parcels listed in this group were originally conveyed to Miles City under varying circumstances that fall into four general groups, as follows:

(1) Tracts A and B, Sec. 33, T. 8 N., R. 47 E., containing 36.49 and 1.67 acres respectively, were conveyed to Miles City by patent number 1021511 on December 12, 1928. They were conveyed under a special Act of April 15, 1924 (43 Stat. 96) for municipal purposes as a public park, upon payment of $1.25 per acre. This land has been used by the city as a public park as required by the 1924 Act and the patent.

(2) Tract E, Sec. 32, T. 8 N., R. 47 E., containing 37.26 acres and Tract F, Secs 32 and 33, T. 8 N., R. 47 E., containing 25.78 acres, were conveyed on May 21, 1947, by patent number 1122295, pursuant to the Act of August 8, 1946 (60 Stat. 946), upon the condition that they be used for industrial and recreational purposes and a specific portion as a museum site. The City was not required to make any payment for the land, but it was bound by the specific use restrictions of the 1946 Act, and the patent contained a reverter to the United States.

(3) Tract D, Sec. 33, T. 8 N., R. 47 E., containing 12.32 acres, was granted to Miles City by the Act of July 30, 1890 (26 Stat. 292). While there is no document of conveyance for this parcel, the act of Congress served to convey title subject to a use restriction.

(4) The remaining tracts listed in section 2 were all transferred under the authority of the Act of June 16, 1950 (64 Stat. 233), as amended (69 Stat. 395). Section 2 of that Act authorized conveyance to Miles City of two tracts to be used for industrial purposes with a reverter to the United States. Conveyance of any or all of these latter tracts was also conditional upon payment of reasonable consideration ". . . determined by the Secretary of the Interior on the basis of use for industrial purposes". Five parcels, representing a portion of these two tracts, were conveyed under this provision.

Section 3 of S. 187 would direct the Secretary to convey to Custer County, Montana, evidence of title necessary to remove the reversionary provisions in three patents. Tract C, Secs. 3 and 5, T. 7 N., R. 47 E., was conveyed on February 12, 1929,, under a special Act of April 15, 1924 (43 Stat. 97). It now contains 92.275 acres, 3.614 acres of the original grant having been reconveyed by the County to the United States. The 1924 Act required payment of $1.25 per acre and a reverter to the United States should the land cease to be used as a fairground or if the County should attempt to sell or otherwise convey the lands. As with all similar conveyances to Miles City or Custer County, all minerals were reserved to the United States. The two adjoining parcels, Tract T containing 0.96 acres and Lot 20 containing 3.38 acres, are also used in conjunction with the County Fairground.

In summary, we have no Federal need for the parcels to which S. 187 would apply and no objection to conveyance of the lands, or removal of the reverter provisions, upon payment to the United States of the fair market value of the interests conveyed. Since S. 187 would require such payment, we have no objection to enactment of the bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 2475, as ordered reported.

O